

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to the drawings filed on July 8, 2004.

With regard to Figure 5b, Applicants respectfully disagree with the Examiner in that reference label "5c" is correct. However, Applicants believe that the Examiner is referring to "Sc" in FIG. 5b. In FIG. 5b, the correct reference number should be Sa, not Sc. Thus, in response, Applicants have amended paragraph [0061] of the published application to change each occurrence of "Sa" to --Sc--.

With regard to FIG. 6a, the Examiner contends that reference numeral 71 is misplaced. Reference number 71 is shown as an image for illustration purposes. Thus, Applicants respectfully submit that FIG. 6A is accurate as filed.

With regard to FIG. 16, the Examiner contends that reference letters L, U, R and D are not described in the specification. In response, paragraph [0061] of the corresponding published application has been amended to refer to such reference letters.

The Examiner also objects to reference to FIG. 18 in the specification. In response, paragraph [0174] of the corresponding published application has been amended to refer to each of Figures 18a and 18b of the Drawings.

Accordingly, it is respectfully requested that the objections to the Drawings be withdrawn.

In the Office Action, the Examiner objects to page 32, line 24 and page 44, line 8, and page 51, line 6. In response, the specification has been amended as suggested by the

Examiner. Additionally, the Specification has been amended to correct an error in an expression at paragraph [0133] of the corresponding publication.

Accordingly, it is respectfully requested that the objections to the specification be withdrawn.

In the Office Action, the Examiner makes numerous objections to the Claims. Firstly, claims 4, 7, 10, 11, 22, 23, 26, 27, 29-31, 33-35, 37, 38, 40, 41, 45-47, 49 and 50 have been canceled thereby rendering the objections thereof moot. Secondly, the remaining claim objected to by the Examiner have been amended, where appropriate, to overcome such objections. Of particular note:

The Examiner objects to Claims 1, 4, 10-11, 13-14, 18 and 49 as the claim element "arranged to" is unclear. Applicants respectfully disagree with the Examiner and submit that they do not need to recite unnecessary relationships in the claims. Although Applicants have changed one such limitation in claim 1, Applicants submit that the broad limitation "arranged to" is clear to those of ordinary skill in the art from the specification.

The Examiner also objects to Claims 2-3, 5, 15-17, 20-21, 27, 29-31, 34-35, 41, 45, and 47 as it is unclear as to what additional structure has been set forth. Applicants again respectfully disagree and submit that they do not need to recite unnecessary structural relationships in the claims. Applicants submit that the limitations recite functional relationships between the elements and these functional relationships are sufficient and no amendment is needed. Placing unnecessary structural limitations into the claims is not required as Applicants are entitled to all structural embodiments that meet the functional limitations of the claims.

The Examiner also makes numerous objections to an improper form of means plus function language. Applicants respectfully disagree with the Examiner, there is no requirement to use means plus function language in claims and if used, there is no requirement to use the statutory form thereof.

Accordingly, it is respectfully requested that the objections to the claims be withdrawn.

In the Office Action, the Examiner rejects Claims 1-51 under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Specifically, in Claim 1, the Examiner argues that it is unclear how the input unit can instruct a thrust generating direction. In response, Applicants have amended claim 1 to clarify the same.

In Claims 6, 25, 39, and 51, these claims are objected to as indefinite as it is unclear as to what "operation" is being referred to. Firstly, claims 25, 39 and 51 have been canceled, thereby rendering the rejection thereof moot. With regard to claim 6, the objectionable phrase has been removed therefrom.

Claims 13-14, 18-19, 32-33 and 49 are objectionable as it is unclear what the term "allocates the operating direction" refers to. Firstly, claims 32, 33 and 49 have been canceled, thereby rendering the rejection thereof moot. Applicants have corrected the antecedent basis of the remaining claims to overcome the Examiner's objection.

Additionally, Claim 12 is objected to as "any" is improper and Claims 8, 28, 42 and 48 are improper as having the phrase "such as". Firstly, claims 42 and 48 have been

canceled, thereby rendering the rejection thereof moot. With regard to the remaining claims, the same have been amended according to accepted U.S. style and practice.

Accordingly, it is respectfully requested that the rejection of claims 1-51 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Office Action, the Examiner rejects Claim 1-51 under 35 U.S.C. § 101 as being directed to non-statutory subject matter as the claim allegedly requires “a body cavity,” which is non-statutory subject matter or a living person. In response, the claims have been amended to remove the claiming of non-statutory subject matter.

Accordingly, it is respectfully requested that the rejection of claims 1-51 under 35 U.S.C. § 101, be withdrawn.

In the Official Action, the Examiner provisionally rejects claims 1-51 on the ground of non-statutory obviousness type double patenting in view of United States co-pending Patent Applications Serial Nos. 12/055,142 (claims 1-12), 10/910,738 (claims 1-5, 8-18, 65-68), 11/823,598 (claims 1-3, 5-7,9-27) and 11/230,201 (claims 1-6, 8-24, and 26-29).

Applicants respectfully request that the Examiner reconsider and withdraw such rejection at least in light of the current amendment to claim 1 (discussed below).

In the Action, Claims 1-7, 9-12, 14-18, 20-27, 29-32, 34-41, 45-47, and 49-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over K. Ishiyama et al., Spiral Type Micro-Machine for Medical Applications, 2000 International Symposium on Micromechatronics and Human Science, IEEE (2000) in view of United States Patent No.6,233,476 to Strommer et al. in view of United States Published Patent Application No. 2003/0020810 to Takizawa et al. (hereinafter “Ishiyama,” “Strommer,” and “Takiazawa”). Additionally, the Examiner rejects Claims 13, 19, and 33 under 35 U.S.C. § 103(a) as being

unpatentable over Ishiyama, Strommer, Takizawa in further in view of United States Patent No. 5,989,230 to Frassica (hereinafter "Frassica"). Furthermore, the Examiner rejects Claims 8, 28, 42 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Ishiyama, Strommer, Takizawa in further in view of United States Published Patent Application No. 2003/0023150 to Yokoi et al., (hereinafter "Yokoi"). Still further, the Examiner rejects Claim 43 under 35 U.S.C. § 103(a) as being unpatentable over Ishiyama, Strommer, Takizawa in further in view of United States Published Patent Application No. 2002/0111544 to Iddan (hereinafter "Iddan"). Lastly, the Examiner rejects Claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Ishiyama, Strommer, Takizawa in further in view of United States Patent No. 6,527,705 to Ouchi (hereinafter "Ouchi").

Firstly, claims 4, 7, 10, 11, 22, 23, 25-42 and 45-51 have been canceled, thereby rendering the rejections thereof moot. Secondly, independent claim 1 has been amended to clarify its distinguishing features. Specifically, claim 1 has been amended to recite a medical apparatus guiding system comprising:

a medical apparatus main body adapted to be inserted in a body cavity and having an approximately cylindrical outer shape;  
a thrust generating mechanism including a spiral structure portion provided on a side surface of the medical apparatus main body and a rotation driving unit for rotating the spiral structure portion around a substantially cylindrical shaft of the medical apparatus main body, wherein the rotation driving unit includes:  
    a magnet provided to the medical apparatus main body and arranged with a magnetic pole direction oriented toward a direction substantially perpendicular to the substantially cylindrical shaft of the medical apparatus main body; and  
    a magnetic field generating device for generating a magnetic field in an arbitrary direction;  
an information providing unit comprising at least one of a storing unit for storing an advancing direction of the medical apparatus [[and]] a direction detecting unit for detecting the direction of the medical apparatus main body, and a magnetic

pole detecting means for detecting a direction of a magnetic pole of the magnet;

an input unit which supplies a signal indicating a thrust generating direction of the thrust generating mechanism; and

a control unit which repeatedly performs, at every predetermined control cycle, a control for generating a rotating magnetic field from the magnetic field generating device and generating, from the magnetic field generating device, a rotating magnetic field for changing a direction of the medical apparatus main body, based on information from the information providing unit and the input unit.

The amendment to claim 1 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claim 1.

Amended claim 1 now recites both structure and operation and effect that is not disclosed or suggested in any of the cited references, including the Ishiyama, Strommer and Takizawa references. In particular, the recited structure now achieves the operation and effect of guiding the capsule main body (medical apparatus main body) smoothly (as discussed in the original specification at page 19, last line to page 20, line 9).

With regard to the rejection of claims 1-7, 9-12, 14-18, 20-27, 29-32, 34-41, 45-47, and 49-51 under 35 U.S.C. § 103(a), independent claim 1, as amended, is not rendered obvious by the cited references because neither the Ishiyama reference, the Strommer reference nor the Takizawa reference, whether taken alone or in combination, teach or suggest medical apparatus guiding system having the features discussed above and recited in independent claim. Accordingly, claim 1, as amended, patentably distinguishes over the prior art and is allowable. Claims 2, 3, 5, 6, 9, 12, 14-18 and 20-24, being dependent upon claim 1, are thus at least allowable therewith (the remaining dependent claims being canceled). Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-7, 9-12, 14-18, 20-27, 29-32, 34-41, 45-47, and 49-51 under 35 U.S.C. § 103(a).

With regard to the rejections of claims 8, 13, 19, 43 and 44 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 8, 13, 19, 43 and 44 are at least allowable therewith because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 8, 13, 19, 43 and 44 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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